

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TONY CAMPBELL

Plaintiff,

No. CIV S-05-0596 FCD CMK P

vs.

H. SOLIMAN, et al.,

Defendants.

ORDER

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Plaintiff is a prisoner proceeding pro se with a civil rights action under 42 U.S.C. § 1983, and has requested authority to proceed in forma pauperis under 28 U.S.C. § 1915. This proceeding was referred to this court by Local Rule 72-302 by the authority of 28 U.S.C. § 636(b)(1).

As a preliminary matter, before this court can make the determination whether plaintiff can proceed in forma pauperis, it is necessary to consider the number of lawsuits that plaintiff has filed and their dispositions. Plaintiff has signed his complaint under the penalty of perjury. He avers that he has filed one previous lawsuit and answers “N/A” to the queries concerning the docket number, name of the assigned judge, disposition, date of filing and date of disposition. (Compl. at 1- 2.)

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1 This court may take judicial notice of its own records, which show that plaintiff
2 has filed more than twenty-four lawsuits in the United States District Court for the Eastern
3 District of California. See United States v. Wilson, 631 F.2d 118, 119 (9th Cir. 1980). It appears
4 that plaintiff has failed to truthfully list the actual number of cases he has filed before filing this
5 complaint. It is possible that he has done so because he has been barred from filing further suits
6 under 28 U.S.C. § 1915(g).

7 Within twenty days of the date this order is filed, plaintiff must show cause why
8 this court should not impose the sanction of dismissal under Fed. R. Civ. P 11(c)(1)(B) for
9 violating Fed. R. Civ. P 11(b). Plaintiff also must describe what happened to each of his earlier
10 lawsuits. Failure to respond to this order will result in a recommendation that this action be
11 dismissed with prejudice.

12 IT IS ORDERED that:

13 1. Within twenty days of the date this order is filed, plaintiff must show cause why
14 this court should not impose the sanction of dismissal under Fed. R. Civ. P 11(c)(1)(B) for his
15 failure to truthfully declare the number of lawsuits that he had filed before filing this action; and

16 2. Plaintiff must describe the outcome of each of the lawsuits that he has filed as a
17 prisoner.

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19 DATED: October 26, 2005.

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22 **CRAIG M. KELLISON**
23 UNITED STATES MAGISTRATE JUDGE
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